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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,306	06/02/2005	Olivier Brique	90500-000053/US	1701
30593 7590 03/20/2008 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				
EXAMINER				
CHEN, SHIN HON				
ART UNIT		PAPER NUMBER		
2131				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/537,306

**Applicant(s)**

BRIQUE ET AL.

**Examiner**

SHIN-HON CHEN

**Art Unit**

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-6 have been examined.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Shen-Orr et al. U.S. Pub. No. 20020114465 (hereinafter Shen).

4. As per claim 1, Shen discloses a method of managing the display of event specifications with conditional access, comprising the following steps: sending data forming an electronic program guide to a decoder, this electronic guide serving to display the events which will be broadcasted, these data including, for each event, at least one identifier, textual data and a condition block comprising the conditions required for the access to this event (Shen: [0093]: information contained in ECM), sending at least one authorization message to a security module associated with the decoder, this message defining access rights to an event (Shen: [0091]: EMM); wherein the method furthermore comprises the following steps: sending the condition block to said security module, processing, in the security module, the access condition contained in said condition block, and return by the security module of a message indicating, according to the access condition for each event and to the access rights contained in the security module, if

the right exists or not for each event in the security module (Shen: [0076]: determine if the user is authorized to view the content based on EMM and ECM), and wherein the access condition contained in the condition block is expressed in the form of an operation described by a request in a structured language (Shen: [0028]: the application can be written in any structured language).

5. As per claim 3, Shen discloses the method of claim 1. Shen further discloses wherein an event is encrypted by at least one control word these control words are transmitted to the decoder in the form of an encrypted control message also comprising the access conditions, this process consisting in transmitting in the condition block all or part of the control message (Shen: [0072]: derive the control words through encryption from ECM).

6. As per claim 4, Shen discloses the method of claim 3. Shen further discloses wherein the condition block only includes the data relating to the access conditions contained in the control message (Shen: [0093]).

7. As per claim 5, Shen discloses the method of claim 4. Shen further discloses wherein said data related to the access conditions is sent in encrypted form in the condition block (Shen: [0070]: ECM is encrypted).

8. As per claim 6, Shen discloses the method of claim 4. Shen further discloses wherein said data related to the access conditions are in clear in the condition block (Shen: [0070]: entire message is encrypted).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shen.

11. As per claim 2, Shen discloses the method of claim 1. Shen discloses the application can be written in structured language include, but not limited to C, C++, Java, etc. Shen does not explicitly disclose the structure language includes SQL. However, one with ordinary skill in the art would understand that SQL can be utilized in a database system and Shen discloses the use of database (Shen: [0081]). Therefore, it would have been obvious to one having ordinary skill in the art to write the request in SQL format.

***Response to Arguments***

12. Applicant's arguments filed 12/13/07 have been fully considered but they are not persuasive.

Regarding applicant's remarks, applicant argues that the prior art of record does not disclose using an electronic program guide to display available events and wherein the access conditioned contained in the condition block is expressed in the form of an operation described by a request in a structured language. However, Shen discloses that the ECM provides unique ID and data for the digital content (Shen: [0093]) and the system of Shen applies to a system where users can select digital content on-demand through programming guide (Shen: [0002]: the on-demand feature allows user to select digital contents through electronic program guide). On the other hand, Shen discloses the applications used in this system can be programmed using suitable languages (Shen: [0029]). By using structured language in Shen's system, the communication will be expressed in the form of an operation expressed in structured language. Therefore, in light of the above explanation, applicant's argument is traversed.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brown et al. U.S. Pub. No. 20030196113 discloses a method for providing a secure environment for performing conditional access functions for a set-top box.

Cockran et al. U.S. Pub. No. 20020087971 discloses communication protocol for content on demand system with callback time.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIN-HON CHEN whose telephone number is (571)272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2131

Shin-Hon Chen

Examiner

Art Unit 2131

SC

/Christopher A. Revak/

Primary Examiner, Art Unit 2131